

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CECIL JEROME HATCHETT,
Petitioner,
v.
KEN CLARK,
Respondent.

No. 2:20-cv-0892-EFB P

ORDER

Petitioner, proceeding pro se, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has also filed an application to proceed in forma pauperis which makes the required showing and will be granted. ECF Nos. 5 & 7 (Prison trust fund account statement). The instant petition, however, does not state a cognizable habeas claim for the reasons explained below.

I. Legal Standards

The court must dismiss a habeas petition or portion thereof if the prisoner raises claims that are legally “frivolous or malicious” or fail to state a basis on which habeas relief may be granted. 28 U.S.C. § 1915A(b)(1),(2). The court must dismiss a habeas petition “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief[.]” Rule 4, Rules Governing Section 2254 Cases.

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1 II. Analysis

2 The court has reviewed the petition and finds it difficult to discern the nature of plaintiff's
 3 claims. At the beginning of the petition, he claims that he is not challenging a court conviction,
 4 but rather a two-year period of unlawful detention in the Yolo County Jail. ECF No. 1 at 4. He
 5 details allegedly unconstitutional actions taken by his interrogators and argues that a habeas writ
 6 should issue that deems the time spent in the Yolo County Jail to be time served. *Id.* at 5. He
 7 also mentions money damages, which are unavailable in a habeas action, but his petition is
 8 difficult to read and it is unclear if he is acknowledging their unavailability or requesting them.
 9 *Id.* at 6; *see Sisk v. CSO Branch*, 974 F.2d 116, 117 (9th Cir. 1992) ("Habeas corpus . . . is not the
 10 appropriate or even available remedy for damages claims."). Moreover, this claim does not, as
 11 petitioner himself admits, challenge an actual state court conviction. See 28 USCS § 2254(a)
 12 ("The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an
 13 application for a writ of habeas corpus in behalf of a person in custody *pursuant to the judgment*
 14 *of a State court* only on the ground that he is in custody in violation of the Constitution or laws or
 15 treaties of the United States.") (emphasis added). Nor can the court order him released since he is
 16 no longer at the jail. To the extent petitioner seeks recompense for the allegedly unlawful
 17 detention, the appropriate remedy, if any, is a money damages action pursuant to section 1983.

18 In what appears to be a separate habeas claim, petitioner references events that occurred at
 19 a trial in Yolo County. ECF No. 1 at 7. He makes various claims but provides little detail as to
 20 each. He alleges that: (1) the prosecution withheld finger and shoe prints that were not his; (2)
 21 the prosecution did not call witnesses who allegedly saw someone else commit the crime (which
 22 is never specifically defined in the petition) he was accused of; (3) the prosecution did not reveal
 23 that some of the witnesses against petitioner had been paid; and (4) the prosecution wrongly
 24 suggested that petitioner had confessed to the crime when, in reality, petitioner "was only
 25 following instructions so [that] the real shooters would leave his family alone" *Id.* The
 26 foregoing claims are too vague to proceed. In any amended petition he files, petitioner should
 27 provide greater factual background as to the crime of which he was convicted (including the
 28 procedural background at trial) and what state appellate or habeas procedures to which he has

